

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION**

UNITED STATES OF AMERICA,)	Case No. 1:20-cr-77
)	
Plaintiff,)	Judge Timothy S. Black
)	
v.)	DEFENDANT LARRY
)	HOUSEHOLDER’S RESPONSE TO
LARRY HOUSEHOLDER,)	GOVERNMENT’S MOTION IN
)	LIMINE TO PRECLUDE
Defendant.)	REFERENCES AND COMMENTS
)	REGARDING DISCOVERY IN THE
)	PRESENCE OF THE JURY

The government seeks an order, not to bar the defendants from offering a specific document or piece of evidence, but instead to bar them from “referring to or making comments regarding discovery”—whatever that means. (*See* Doc. 137 at 3756). But “[o]rders in limine which exclude broad categories of evidence should rarely be employed.” *Joseph v. Joseph*, No. 1:16-CV-465, 2018 WL 11433004, at *1 (S.D. Ohio Oct. 2, 2018) (quoting *Sperberg v. Goodyear Tire & Rubber Co.*, 519 F.2d 708, 712 (6th Cir. 1975)). In general, Defendant Larry Householder agrees with the government: neither side should comment on the discovery process—that is, how documents and other evidence were exchanged between the parties—in front of the jury. However, it is possible that the discovery process might be relevant at trial, and the Court should not “issue such a broad categorical exclusion *in limine*.” *Id.* For example, it would be appropriate for Householder to question government witnesses about what evidence was gathered, what evidence was not, and how the evidence was obtained. That is precisely why, as this Court explained in *Joseph*, broad motions in limine should rarely be employed because unless evidence is inadmissible on all possible grounds, the better course is to wait until trial to rule on the admissibility of the evidence.

For these reasons, the Court should deny the government's motion *in limine* regarding discovery (Doc. 137).

Dated: November 28, 2022

Respectfully submitted,

/s/ Steven L. Bradley

Steven L. Bradley (0046622)

Mark B. Marein (0008118)

MAREIN & BRADLEY

526 Superior Avenue, Suite 222

Cleveland, Ohio 44114

Phone: (216) 781-0722

Email: steve@mareinandbradley.com

mark@mareinandbradley.com

/s/ Nicholas R. Oleski

Robert T. Glickman (0059579)

Nicholas R. Oleski (0095808)

MCCARTHY, LEBIT, CRYSTAL

& LIFFMAN Co., LPA

1111 Superior Avenue East, Suite 2700

Cleveland, Ohio 44114

Phone: (216) 696-1422

Email: rtg@mccarthylebit.com

nro@mccarthylebit.com

Counsel for Defendant Larry Householder

CERTIFICATE OF SERVICE

I certify that the foregoing was electronically filed on November 28, 2022. Notice of this filing will be sent to all parties by operation of the Court's electronic filing system. Parties may access this filing through the Court's system.

/s/ Steven L. Bradley

Steven L. Bradley (0046622)